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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,371	01/26/2001	Tsutomu Wakabayashi	1548.1003	5770

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EXAMINER

SMITH, ARTHUR A

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 08/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

## Application No.

09/769,371

## Applicant(s)

WAKABAYASHI ET AL.

## Examiner

Arthur A Smith

## Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-6, 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 4 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Applicant's arguments filed on 5/24/02 and 6/20/02 have been fully considered.

#### ***Claim Objections***

Claim 4 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 4 recites the limitation "wherein the reset control unit indicates a reset by momentarily turning off the display." However, claim 1, already includes this limitation, "a reset control unit to indicate a reset by achieving a no-display state over a specific short period of time." .

Claim 8 is objected to because of the following informalities: Claim 8 is dependent on canceled claim 7. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Goto (USPN 5903786).

Goto discloses a camera comprising a display unit, ref. 11, that displays a camera setting or control state, a mode selection unit, ref. 7, that selects at least one

mode setting position at which a function related to a photographing operation can be selected and set and a selection operation unit, ref. 5, that selects and sets the function, col. 4 lines 26-56. Goto also discloses a reset operation unit, ref. 22, that resets the function to a specific initial state. Goto further discloses a reset control unit that implements reset display on the display unit when said reset operation unit has been operated, col. 7 lines 35-43. Goto also discloses where the release operation is enabled when the mode selection unit is set in, at least, one first mode setting in which a first function related to operation can be selected and set and the release operation is prohibited in a second mode setting, col. 8 line 24 – col. 9 line 19.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasukawa et al. (USPN 5189466) in view of Naruse et al. (USPN 4914468).

Yasukawa et al. discloses a camera comprising a display unit, ref. 12, that displays a camera setting or control state, a mode selection unit, ref. 4, that selects at least one mode setting position at which a function related to a photographing operation can be selected and set and a selection operation unit, ref. 6-11, that selects and sets the function, col. 3 lines 24-53. Yasukawa et al. also discloses a reset operation unit, ref. 5 or R, that resets the function to a specific initial state. Yasukawa et al. further

discloses a reset control unit that implements reset display on the display unit when said reset operation unit has been operated, col. 7 lines 52-64. Naruse et al. discloses that a display can be momentarily turned off after a function is changed to clearly indicate the change of the function, col. 26 lines 38-46. It would have been obvious to one of ordinary skill in the art at the time the invention was made to momentarily turn off the display of Yasukawa et al. when a function is reset. This would be done per the teachings of Naruse et al., to clearly indicate that a change had been made.

Claims 1, 4, 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goto (USPN 5903786) in view of Naruse et al. (USPN 4914468).

Goto discloses all the limitations of the parent claim as shown above. Naruse et al. discloses that a display can be momentarily turned off after a function is changed to clearly indicate the change of the function, col. 26 lines 38-46. It would have been obvious to one of ordinary skill in the art at the time the invention was made to momentarily turn off the display of Goto when a function is reset. This would be done per the teachings of Naruse et al., to clearly indicate that a change had been made.

### ***Response to Arguments***

Applicant's arguments filed on 5/24/02 and 6/20/02 have been fully considered but they are not persuasive. Applicant has argued that the use of Naruse et al. to teach the turning off a camera display for a specific short period of time to indicate a change in operation is improper. From the examiner's interpretation of col. 26, lines 38-46, what Naruse et al. teaches is that after execution of a measurement the area of the display alone which displays this measured value becomes blank momentarily. The other

areas of the display remain visible thereby allowing the area with the momentarily blankness to stand out to the user to indicate the changed measure value. Hence, Naruse et al. teachings would motivate one to turn off a display to indicate a change in value, such as one that might occur during a reset function.

Applicant also argues that Goto does not disclose the claimed release operation enablement /prohibition feature in response to a first mode setting and a second mode setting. The examiner feels that col. 4 lines 39-50 can be interpreted as teaching such a limitation. Goto states that the USE position is selected when actual photography needs to be performed, with command dials 6 and 7 functions relating to photography can be selected and set, col. 4 lines 57-67, therefore the ERASE, and RESET positions would prohibit photography.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur A Smith whose telephone number is (703) 605 1228. The examiner can normally be reached on Monday - Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308 2847.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

AAS  
August 21, 2002

  
RUSSELL ADAMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800